

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

RICKY WILKINSON,
Petitioner

v.

ROBERT HOFMANN,
Commissioner, Vermont
Department of Corrections,
Respondent

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File No. 1:06-CV-234

ORDER

The Magistrate Judge's Report and Recommendation was filed July 18, 2008. (Paper 20.) After de novo review and absent objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1). The petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is GRANTED. The petitioner shall be released unless the State retries him within 90 days of the date of this Order.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 19th day of August, 2008.

/s/ J. Garvan Murtha
J. Garvan Murtha
United States District Judge